

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

ABIR ALI,
Plaintiff,

v.

Civil No. 3:23cv616 (DJN)

ESKER LEE TATUM, *et al.*,
Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on October 6, 2023, the Court conditionally docketed Plaintiff's action. (ECF No. 4.) At that time, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to collection of fees form. The Court warned Plaintiff that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action. (*Id.*) Plaintiff failed to complete and return a consent to collection of fees form, and by Memorandum Opinion and Order entered on November 15, 2023, the Court dismissed the action without prejudice. (ECF Nos. 7–8.)

On December 19, 2023, the Court received various motions from Plaintiff, and he also filed a Notice of Appeal. (ECF Nos. 11, 13–15.) To the extent that Plaintiff wishes to seek *in forma pauperis* status, the appointment of counsel or electronic hearings for his appeal proceedings, Plaintiff must file these motions in the United States Court of Appeals for the Fourth Circuit. Accordingly, the Court DENIES WITHOUT PREJUDICE these requests (ECF Nos. 11, 13–14).

Plaintiff also filed a completed consent to collections of fees form. (ECF No. 12.)

Plaintiff offers no reason why he did not submit the consent to collection of fees form prior to the dismissal of this action on November 15, 2023. However, because it appears that Plaintiff remains interested in pursuing his complaint, the Court will direct the Clerk to file his complaint as a new civil action. The Clerk will be directed to docket a copy of this Memorandum Order in the new civil action. Once a new civil action has been opened, the Court will continue to process the action. The present civil action, however, remains closed.

An appropriate Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/



David J. Novak
United States District Judge

Richmond, Virginia

Date: January 31, 2024